

**United States District Court**

**for the**

**Eastern District of Washington**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 10, 2018**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Zenon Simiano

Case Number: 0980 4:14CR06017-EFS-1

Address of Offender:

Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: December 19, 2014

Original Offense: Distribution of Controlled Substance - Methamphetamine, 21 U.S.C. § 841(a)(1),  
841(b)(1)(B)(viii)

Original Sentence: Prison - 60 months; TSR - 48 months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Patrick J. Cashman

Date Supervision Commenced: February 14, 2018

Defense Attorney: John Barto McEntire, IV

Date Supervision Expires: February 13, 2022

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**PETITIONING THE COURT**

To incorporate the violation(s) contained in this petition in future proceedings with the violations previously reported to the Court on 05/24/2018; 06/06/2018; 06/25/2018; 06/29/2018; and 08/24/2018.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Special Condition # 19:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** The offender is considered to be in violation of his period of supervised release by failing to report for random urinalysis testing on August 9, 15, 30, 2018, and September 11, 2018.

On February 20, 2018, the offender signed his Judgement in a Criminal Case, indicating he understood he was not to use illegal controlled substances and that he would be subject to urinalysis testing.

On June 28, 2018, the offender signed his Treatment Services Contract Program Plan indicating he understood he was to call First Step Community Counseling every day and report to their office for random drug testing when the color brown was called.

**Re: Simiano, Zenon**

**September 12, 2018**

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First Step Community Counseling provided the undersigned a drug testing sheet noting the offender failed to report to their office for random testing on each of the above noted dates.

On September 11, 2018, the offender was contacted by phone and asked about the missed tests in August. The offender reported he calls every day and said he did not know how he missed the scheduled tests. The offender was specifically directed to start calling daily and to make sure he called that same day. As noted above, the offender failed to report for a random drug test on September 11, 2018.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 12, 2018

s/David L. McCary

David L. McCary  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

October 10, 2018

Date